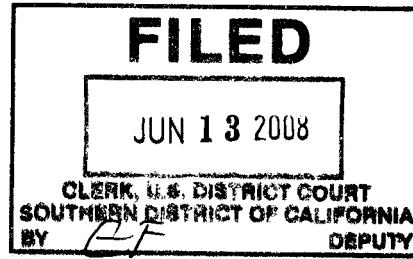


USA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Mag. Case No. **'08 MJ 8534**

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 8, U.S.C., Section 1326  
Deported Alien Found In the  
United States

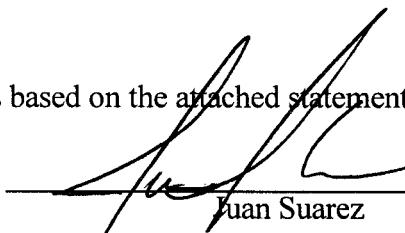
Jose CORTEZ-Corona,

Defendant.

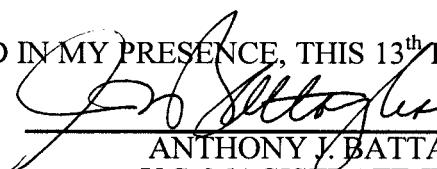
The undersigned complainant being duly sworn states:

On or about June 12, 2008, within the Southern District of California, defendant Jose CORTEZ-Corona, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Juan Suarez  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13<sup>th</sup> DAY OF JUNE 2008.

  
ANTHONY J. BATTAGLIA  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jose CORTEZ-Corona

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the  
6 statements of the apprehending Border Patrol Agent, A. Martinez,  
7 that the Defendant was found and arrested on June 12, 2008, west  
8 of Calexico, California.

9 Agent Martinez encountered Jose CORTEZ-Corona while  
10 performing his Border Patrol duties 10 miles west of Calexico,  
11 CA. Agent Martinez approached CORTEZ and identified himself as a  
12 United States Border Patrol Agent. Agent Martinez determined  
13 through questioning, CORTEZ was a citizen of Mexico with no  
14 immigration documents that would allow him to enter into or  
remain in the United States legally. CORTEZ was subsequently  
arrested.

15 Records checks revealed an Immigration Judge ordered CORTEZ  
16 deported to Mexico from the United States on March 20, 2008 and  
17 has an extensive criminal history.

18 Agent Martinez advised CORTEZ of his Miranda Rights and this  
19 was witnessed by Agent Pelusi. CORTEZ stated he understood his  
rights and was willing to answer any questions without an  
attorney present.

21 Agent Martinez asked CORTEZ what country he was a citizen or  
22 a national of and CORTEZ stated Mexico. Agent Martinez asked  
23 CORTEZ if he had any documents to work or reside in the United  
24 States legally, he stated no. Agent Martinez asked CORTEZ how  
and where he last entered the United States. CORTEZ stated he  
made his last entry by walking across the U.S./Mexico  
International Boundary near Calexico. Agent Martinez asked CORTEZ  
if he had ever been deported and CORTEZ stated yes. CORTEZ

1 stated he intended to travel to Los Angeles, CA to find work and  
2 to reside. There is no evidence CORTEZ sought or received  
3 permission from the United States Attorney General or the  
4 Secretary of the Department of Homeland Security to re-enter the  
United States after being deported.

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